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ATTN. Maikhanh Nguyen

Fax Number 1 571 273 8300

Phone Number 571 272 4093

FROM Volel Emile, Esq.

Fax Number (512) 306-0240

Phone Number (512) 306-7969

SUBJECT Appeal Brief (09/998,386)

Number of Pages 48

Date 12/22/2005

MESSAGE

This fax transmission contains:

- 1, one copy of a Fax Transmittal Form;
2. two copies of a Fee Transmittal Letter, including fee; and
3. three copies of the Appeal Brief.

Volel

IFW did not receive page 5 & 6 of 48 JFW

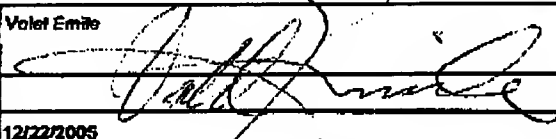
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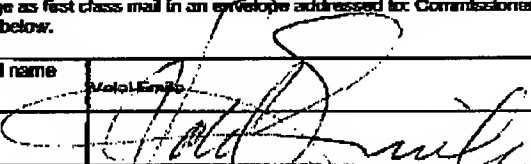
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/998,388
	Filing Date	11/15/2001
	First Named Inventor	Brown et al.
	Art Unit	2176
	Examiner Name	Mailhenh Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	AUS920010875US1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Appeal Brief.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Volel Emile	
Signature		
Date	12/22/2005	

CERTIFICATE OF TRANSMISSION/MAILING		
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Typed or printed name	Volel Emile	
Signature		Date 12/22/2005

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Appl No. 09/998,386
Appeal Brief dated 12/22/2005
Reply to Office Action of 08/16/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: :
Brown et al. :
Serial No: 09/998,386 : Before the Examiner:
 : Maikhanh Nguyen
Filed: 11/15/2001 : Group Art Unit: 2176
 :
Title: APPARATUS AND METHOD : Confirmation No.: 7328
OF HIGHLIGHTING LINKS IN A WEB :
PAGE :

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192(a)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached is Appellant's Brief, in triplicate, from a decision of the Examiner dated 08/16/2005, finally rejecting the claims in the Application.

The item(s) marked below are appropriate:

1. _____ A petition and fee for extension of term for reply to the final rejection is attached.
2. X Appeal fee
 X other than a small entity. Fee: \$500.00
3. X Payment
 X Please charge Deposit Account 09-0447 the sum of \$500.00. A duplicate of this notice is attached.

AUS920010875US1

12/23/2005 TL0111 00000068 090447 09998386

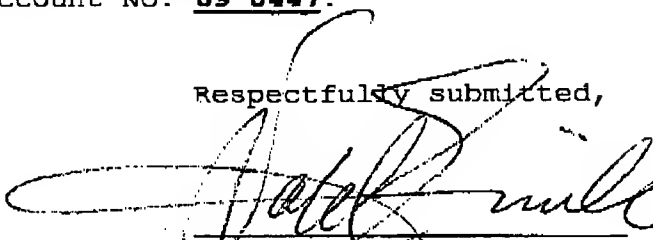
Page 1 of 2

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Appeal Brief dated 12/22/2005
Reply to Office Action of 08/16/2005

The Commissioner is hereby authorized to charge any additional fee, which may be required or credit any overpayment to Deposit Account No. 09-0447.

Respectfully submitted,



Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:	
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OF HIGHLIGHTING LINKS IN A WEB	:	
PAGE	:	

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated August 16, 2005 of Claims 1, 3 - 10, 12, 14 - 21, 23, 25 - 32, 34, 36 - 43 and 45 of Application Serial Number 09/998,386 filed on November 15, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on November 16, 2005 in accordance with 37 C.F.R. 1.192.

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BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1, 3 - 10, 12, 14 - 21, 23, 25 - 32, 34, 36 - 43 and 45 have been finally rejected in an Office Action dated August 16, 2005.

(4)

Status of Amendment

All amendments have been entered.

(5)

Summary of the Invention

The present invention allows a user to make links embedded in a Web page clearly recognizable. In accordance with one embodiment of the invention, when a user is unable to clearly recognize links embedded in a Web document, the user may have the links highlighted by issuing a command

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(page 10, line 25 to page 11, line 9 and page 11, lines 17 - 23 as well as Figs. 4 and 6).

In accordance with another embodiment of the invention, when a user is unable to clearly recognize links embedded in a Web document, the user may have the links highlighted by issuing a command. In this case, the links are highlighted by duplicating the links and displaying the duplicated links in another area (page 11, lines 24 - 27 and Fig. 6).

(6)

Issues

Whether independent Claims 1, 12, 23 and 34 were properly rejected under 102(b) as being anticipated by Nielsen, and whether dependent Claims 9, 20, 31, 42 and 45 were properly rejected under 103 as being unpatentable over Nielsen in view of Kimmel et al.

(7)

Grouping of Claims

The rejected claims form two groups:

Group I: Claims 1, 3 - 8, 12, 14 - 19, 23, 25 - 30, 34, 36 - 41 and 45; and

Group II: Claims 9, 10, 20, 21, 31, 32, 42 and 43.

(8)

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in

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the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

Nielsen purports to provide a scheme to determine whether or not Web pages represented by links embedded in a displayed document are accessible before a user attempts to access the pages. To do so, Nielsen teaches that access to each Web page represented by an embedded link in a displayed Web document is automatically attempted as soon as the page is displayed. If there is no response within a certain period of time after an access has been attempted, then it is assumed that the Web page is inaccessible. Consequently, the appearance of the link is changed to alert the user that the Web page is inaccessible at the present time. The presumption is that an alerted user will not waste time attempting to access an inaccessible page.

But, Nielsen does not teach, show or suggest the step of **highlighting links that are not easily identifiable in a displayed Web document upon user command** as claimed.

The Examiner stated that Nielsen discloses such step in the following passage: "when the user selects a particular text link anchor with mouse 44, the browsing system responds by attempting to retrieve the page pointed to by the link anchor ... all of the link anchor 202 are shown as underlined text; col. 3, lines 41 - 48" (see first paragraph on page 3 of the Office Action).

As far as Applicants can understand, the quoted passage merely states that when a link is asserted, an

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attempt is made to access the Web page referred to by the link. This is generally how one accesses a Web page from an embedded link in a displayed document.

The quoted passage further states that links in a displayed Web document are displayed as underlined text. This is one of the customary manners of displaying embedded links in a document.

Applicants do not see how the teachings in the quoted passage are going to help a user who has problems identifying links that are embedded in a displayed document from regular underlined passages in the document, for example. By contrast, the present invention allows a user to issue a command and all the embedded links in the document are highlighted allowing the user to distinguish the links from regular underlined passages in the document.

Hence, Applicants submit that the independent claims (i.e., Claims 1, 12, 23, 34 and 45), as well as their dependent claims, which all incorporate the step mentioned above, are not anticipated by Nielsen.

Notwithstanding the fact that the independent claims are not anticipated by Nielsen, Applicants submit that dependent Claims 9, 10, 20, 21, 31, 32, 42 and 43 are patentable over Nielsen in view of Kimmel et al.

It is well settled that in considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

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Himmel et al. teach a method for parallel selection of URL's. In accordance with the teachings of Himmel et al., when a Web page containing embedded links is displayed, a user may select a plurality of these embedded links for concurrent processing. Concurrent processing in this case includes concurrently displaying pages associated with the selected links in a plurality of respective browser windows; concurrently printing pages associated with the selected links; or concurrently downloading pages associated with the selected links.

However, Himmel et al. do not teach the step of duplicating links and displaying the duplicated links in a different area as claimed by the Examiner.

Thus, even if Nielsen were to teach the steps alleged by the Examiner, combining the teachings of Nielsen with those of Himmel et al., would not teach the limitations in Claim 9, for example. Since Claims 20, 31 and 42 include the limitations of Claim 9, Applicants submit that they, along with their dependent claims, should be allowable as well.

Since the references, either alone or in combination, teach, show or suggest the claimed invention, Applicants submit that the claims in the Application are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010875US1

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APPENDIX

1. (Previously presented) A method of making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising the steps of:

displaying the Web document; and

upon user command, highlighting the links.

2. Canceled.

3. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of having the links flash.

4. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of displaying the links in a different color.

5. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of displaying the links using a larger font.

6. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of displaying the links using a different font.

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7. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of emboldening the links.
8. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of enlarging the font used to display the links including the links target area.
9. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of duplicating the links and displaying the duplicated links in a different area.
10. (Original) The method of Claim 9 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is displayed in a different color or is displayed using a different font or a larger font.
11. Canceled.
12. (Previously presented) A computer program product on a computer readable medium for making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising:

code means for displaying the Web document; and

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code means for highlighting the links upon user command.

13. Canceled.

14. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for having the links flash.

15. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for displaying the links in a different color.

16. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for displaying the links using a larger font.

17. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for displaying the links using a different font.

18. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for emboldening the links.

19. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes

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code means for enlarging the font used to display the links including the links' target area.

20. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for duplicating the links and displaying the duplicated links in a different area.
21. (Original) The computer program product of Claim 20 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is displayed in a different color or is displayed using a different font or a larger font.
22. Canceled.
23. (Previously presented) An apparatus for making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising:
- means for displaying the Web document; and
- means for highlighting the links upon user command.
24. Canceled.
25. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for having the links flash.

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26. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for displaying the links in a different color.
27. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for displaying the links using a larger font.
28. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for displaying the links using a different font.
29. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for emboldening the links.
30. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for enlarging the font used to display the links including the links target area.
31. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for duplicating the links and displaying the duplicated links in a different area.
32. (Original) The apparatus of Claim 31 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is

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displayed in a different color or is displayed using a different font or a larger font.

33. Canceled.

34. (Previously presented) A computer system for making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising:

at least one memory device for storing code data; and

at least one processor for processing the code data for displaying the Web document and for highlighting the links upon user command.

35. Canceled.

36. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes having the links flash.

37. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes displaying the links in a different color.

38. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes displaying the links using a larger font.

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39. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes displaying the links using a different font.
40. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes emboldening the links.
41. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes enlarging the font used to display the links including the links target area.
42. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes duplicating the links and displaying the duplicated links in a different area.
43. (Original) The computer system of Claim 42 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is displayed in a different color or is displayed using a different font or a larger font.
44. Canceled.
45. (Previously presented) A method of making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising the steps of:

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displaying the Web document in a browser, the Web document having a plurality of links displayed each in a target area;

enabling user command to highlight the links by asserting an icon in the browser, the icon being able to toggle on to highlight the links and to toggle off to de-highlight the links; and

enlarging the plurality of links and the target areas upon user command to highlight the plurality of the links, the user command including toggling on the icon.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Brown et al.	:
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Serial No: 09/998,386	: Maikhanh Nguyen
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OF HIGHLIGHTING LINKS IN A WEB	:
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APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated August 16, 2005 of Claims 1, 3 - 10, 12, 14 - 21, 23, 25 - 32, 34, 36 - 43 and 45 of Application Serial Number 09/998,386 filed on November 15, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on November 16, 2005 in accordance with 37 C.F.R. 1.192.

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BRIEF FOR APPLICANTS - APPELLANTS

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Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

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Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

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Status of Amendment

All amendments have been entered.

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Summary of the Invention

The present invention allows a user to make links embedded in a Web page clearly recognizable. In accordance with one embodiment of the invention, when a user is unable to clearly recognize links embedded in a Web document, the user may have the links highlighted by issuing a command

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(page 10, line 25 to page 11, line 9 and page 11, lines 17 - 23 as well as Figs. 4 and 6).

In accordance with another embodiment of the invention, when a user is unable to clearly recognize links embedded in a Web document, the user may have the links highlighted by issuing a command. In this case, the links are highlighted by duplicating the links and displaying the duplicated links in another area (page 11, lines 24 - 27 and Fig. 6).

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Issues

Whether independent Claims 1, 12, 23 and 34 were properly rejected under 102(b) as being anticipated by Nielsen, and whether dependent Claims 9, 20, 31, 42 and 45 were properly rejected under 103 as being unpatentable over Nielsen in view of Kimmel et al.

(7)

Grouping of Claims

The rejected claims form two groups:

Group I: Claims 1, 3 - 8, 12, 14 - 19, 23, 25 - 30, 34, 36 - 41 and 45; and

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Argument

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But, Nielsen does not teach, show or suggest the step of **highlighting links that are not easily identifiable in a displayed Web document upon user command** as claimed.

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Hence, Applicants submit that the independent claims (i.e., Claims 1, 12, 23, 34 and 45), as well as their dependent claims, which all incorporate the step mentioned above, are not anticipated by Nielsen.

Notwithstanding the fact that the independent claims are not anticipated by Nielsen, Applicants submit that dependent Claims 9, 10, 20, 21, 31, 32, 42 and 43 are patentable over Nielsen in view of Kimmel et al.

It is well settled that in considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

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However, Himmel et al. do not teach the step of duplicating links and displaying the duplicated links in a different area as claimed by the Examiner.

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Since the references, either alone or in combination, teach, show or suggest the claimed invention, Applicants submit that the claims in the Application are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

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Attorney for Applicants
Registration No. 39,969
(512) 306-7969

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APPENDIX

1. (Previously presented) A method of making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising the steps of:

displaying the Web document; and

upon user command, highlighting the links.
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5. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of displaying the links using a larger font.
6. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of displaying the links using a different font.

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7. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of emboldening the links.
8. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of enlarging the font used to display the links including the links target area.
9. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of duplicating the links and displaying the duplicated links in a different area.
10. (Original) The method of Claim 9 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is displayed in a different color or is displayed using a different font or a larger font.
11. Canceled.
12. (Previously presented) A computer program product on a computer readable medium for making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising:

code means for displaying the Web document; and

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code means for highlighting the links upon user command.

13. Canceled.

14. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for having the links flash.

15. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for displaying the links in a different color.

16. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for displaying the links using a larger font.

17. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for displaying the links using a different font.

18. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for boldening the links.

19. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes

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code means for enlarging the font used to display the links including the links' target area.

20. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for duplicating the links and displaying the duplicated links in a different area.

21. (Original) The computer program product of Claim 20 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is displayed in a different color or is displayed using a different font or a larger font.

22. Canceled.

23. (Previously presented) An apparatus for making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising:

means for displaying the Web document; and

means for highlighting the links upon user command.

24. Canceled.

25. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for having the links flash.

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26. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for displaying the links in a different color.
27. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for displaying the links using a larger font.
28. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for displaying the links using a different font.
29. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for emboldening the links.
30. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for enlarging the font used to display the links including the links target area.
31. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for duplicating the links and displaying the duplicated links in a different area.
32. (Original) The apparatus of Claim 31 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is

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displayed in a different color or is displayed using a different font or a larger font.

33. Canceled.

34. (Previously presented) A computer system for making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising:

at least one memory device for storing code data; and

at least one processor for processing the code data for displaying the Web document and for highlighting the links upon user command.

35. Canceled.

36. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes having the links flash.

37. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes displaying the links in a different color.

38. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes displaying the links using a larger font.

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39. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes displaying the links using a different font.
40. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes emboldening the links.
41. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes enlarging the font used to display the links including the links target area.
42. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes duplicating the links and displaying the duplicated links in a different area.
43. (Original) The computer system of Claim 42 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is displayed in a different color or is displayed using a different font or a larger font.
44. Canceled.
45. (Previously presented) A method of making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising the steps of:

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displaying the Web document in a browser, the Web document having a plurality of links displayed each in a target area;

enabling user command to highlight the links by asserting an icon in the browser, the icon being able to toggle on to highlight the links and to toggle off to de-highlight the links; and

enlarging the plurality of links and the target areas upon user command to highlight the plurality of the links, the user command including toggling on the icon.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Brown et al.	:
Serial No: 09/998,386	: Before the Examiner:
	: Maikhanh Nguyen
Filed: 11/15/2001	:
	: Group Art Unit: 2176
Title: APPARATUS AND METHOD	: Confirmation No.: 7328
OF HIGHLIGHTING LINKS IN A WEB	:
PAGE	:

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated August 16, 2005 of Claims 1, 3 - 10, 12, 14 - 21, 23, 25 - 32, 34, 36 - 43 and 45 of Application Serial Number 09/998,386 filed on November 15, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on November 16, 2005 in accordance with 37 C.F.R. 1.192.

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BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1, 3 - 10, 12, 14 - 21, 23, 25 - 32, 34, 36 - 43 and 45 have been finally rejected in an Office Action dated August 16, 2005.

(4)

Status of Amendment

All amendments have been entered.

(5)

Summary of the Invention

The present invention allows a user to make links embedded in a Web page clearly recognizable. In accordance with one embodiment of the invention, when a user is unable to clearly recognize links embedded in a Web document, the user may have the links highlighted by issuing a command

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(page 10, line 25 to page 11, line 9 and page 11, lines 17 - 23 as well as Figs. 4 and 6).

In accordance with another embodiment of the invention, when a user is unable to clearly recognize links embedded in a Web document, the user may have the links highlighted by issuing a command. In this case, the links are highlighted by duplicating the links and displaying the duplicated links in another area (page 11, lines 24 - 27 and Fig. 6).

(6)

Issues

Whether independent Claims 1, 12, 23 and 34 were properly rejected under 102(b) as being anticipated by Nielsen, and whether dependent Claims 9, 20, 31, 42 and 45 were properly rejected under 103 as being unpatentable over Nielsen in view of Kimmel et al.

(7)

Grouping of Claims

The rejected claims form two groups:

Group I: Claims 1, 3 - 8, 12, 14 - 19, 23, 25 - 30, 34, 36 - 41 and 45; and

Group II: Claims 9, 10, 20, 21, 31, 32, 42 and 43.

(8)

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in

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the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

Nielsen purports to provide a scheme to determine whether or not Web pages represented by links embedded in a displayed document are accessible before a user attempts to access the pages. To do so, Nielsen teaches that access to each Web page represented by an embedded link in a displayed Web document is automatically attempted as soon as the page is displayed. If there is no response within a certain period of time after an access has been attempted, then it is assumed that the Web page is inaccessible. Consequently, the appearance of the link is changed to alert the user that the Web page is inaccessible at the present time. The presumption is that an alerted user will not waste time attempting to access an inaccessible page.

But, Nielsen does not teach, show or suggest the step of ***highlighting links that are not easily identifiable in a displayed Web document upon user command*** as claimed.

The Examiner stated that Nielsen discloses such step in the following passage: "when the user selects a particular text link anchor with mouse 44, the browsing system responds by attempting to retrieve the page pointed to by the link anchor ... all of the link anchor 202 are shown as underlined text; col. 3, lines 41 - 48" (see first paragraph on page 3 of the Office Action).

As far as Applicants can understand, the quoted passage merely states that when a link is asserted, an

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attempt is made to access the Web page referred to by the link. This is generally how one accesses a Web page from an embedded link in a displayed document.

The quoted passage further states that links in a displayed Web document are displayed as underlined text. This is one of the customary manners of displaying embedded links in a document.

Applicants do not see how the teachings in the quoted passage are going to help a user who has problems identifying links that are embedded in a displayed document from regular underlined passages in the document, for example. By contrast, the present invention allows a user to issue a command and all the embedded links in the document are highlighted allowing the user to distinguish the links from regular underlined passages in the document.

Hence, Applicants submit that the independent claims (i.e., Claims 1, 12, 23, 34 and 45), as well as their dependent claims, which all incorporate the step mentioned above, are not anticipated by Nielsen.

Notwithstanding the fact that the independent claims are not anticipated by Nielsen, Applicants submit that dependent Claims 9, 10, 20, 21, 31, 32, 42 and 43 are patentable over Nielsen in view of Kimmel et al.

It is well settled that in considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

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Himmel et al. teach a method for parallel selection of URL's. In accordance with the teachings of Himmel et al., when a Web page containing embedded links is displayed, a user may select a plurality of these embedded links for concurrent processing. Concurrent processing in this case includes concurrently displaying pages associated with the selected links in a plurality of respective browser windows; concurrently printing pages associated with the selected links; or concurrently downloading pages associated with the selected links.

However, Himmel et al. do not teach the step of duplicating links and displaying the duplicated links in a different area as claimed by the Examiner.

Thus, even if Nielsen were to teach the steps alleged by the Examiner, combining the teachings of Nielsen with those of Himmel et al., would not teach the limitations in Claim 9, for example. Since Claims 20, 31 and 42 include the limitations of Claim 9, Applicants submit that they, along with their dependent claims, should be allowable as well.

Since the references, either alone or in combination, teach, show or suggest the claimed invention, Applicants submit that the claims in the Application are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

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APPENDIX

1. (Previously presented) A method of making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising the steps of:

displaying the Web document; and

upon user command, highlighting the links.

2. Canceled.

3. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of having the links flash.

4. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of displaying the links in a different color.

5. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of displaying the links using a larger font.

6. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of displaying the links using a different font.

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7. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of emboldening the links.
8. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of enlarging the font used to display the links including the links target area.
9. (Previously presented) The method of Claim 1 wherein highlighting the links includes the step of duplicating the links and displaying the duplicated links in a different area.
10. (Original) The method of Claim 9 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is displayed in a different color or is displayed using a different font or a larger font.
11. Canceled.
12. (Previously presented) A computer program product on a computer readable medium for making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising:

code means for displaying the Web document; and

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code means for highlighting the links upon user command.

13. Canceled.

14. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for having the links flash.

15. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for displaying the links in a different color.

16. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for displaying the links using a larger font.

17. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for displaying the links using a different font.

18. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for emboldening the links.

19. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes

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code means for enlarging the font used to display the links including the links' target area.

20. (Previously presented) The computer program product of Claim 12 wherein the highlighting code means includes code means for duplicating the links and displaying the duplicated links in a different area.

21. (Original) The computer program product of Claim 20 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is displayed in a different color or is displayed using a different font or a larger font.

22. Canceled.

23. (Previously presented) An apparatus for making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising:

means for displaying the Web document; and

means for highlighting the links upon user command.

24. Canceled.

25. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for having the links flash.

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26. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for displaying the links in a different color.
27. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for displaying the links using a larger font.
28. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for displaying the links using a different font.
29. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for emboldening the links.
30. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for enlarging the font used to display the links including the links target area.
31. (Original) The apparatus of Claim 23 wherein the highlighting means includes means for duplicating the links and displaying the duplicated links in a different area.
32. (Original) The apparatus of Claim 31 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is

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displayed in a different color or is displayed using a different font or a larger font.

33. Canceled.

34. (Previously presented) A computer system for making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising:

at least one memory device for storing code data; and

at least one processor for processing the code data for displaying the Web document and for highlighting the links upon user command.

35. Canceled.

36. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes having the links flash.

37. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes displaying the links in a different color.

38. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes displaying the links using a larger font.

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39. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes displaying the links using a different font.
40. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes emboldening the links.
41. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes enlarging the font used to display the links including the links target area.
42. (Previously presented) The computer system of Claim 34 wherein highlighting the links includes duplicating the links and displaying the duplicated links in a different area.
43. (Original) The computer system of Claim 42 wherein when a duplicated link is selected, its corresponding link in the Web document flashes or is emboldened or is displayed in a different color or is displayed using a different font or a larger font.
44. Canceled.
45. (Previously presented) A method of making links that are not easily identified in a displayed Web document by a user to be clearly recognizable comprising the steps of:

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displaying the Web document in a browser, the Web document having a plurality of links displayed each in a target area;

enabling user command to highlight the links by asserting an icon in the browser, the icon being able to toggle on to highlight the links and to toggle off to de-highlight the links; and

enlarging the plurality of links and the target areas upon user command to highlight the plurality of the links, the user command including toggling on the icon.

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